



DOCKET FILE COPY ORIGINAL  
**PORTSMOUTH SCHOOL DEPARTMENT**

29 Middle Road  
Portsmouth, Rhode Island 02871

Fax: 401-683-5204

**SUSAN F. LUSI, Ph.D.**  
Superintendent of Schools  
ride2545@ride.ri.net  
(401) 683-1039

**RECEIVED & INSPECTED**

**OCT 23 2006**

**FCC - MAIL ROOM**

**COLLEEN B. JERMAIN**  
Assistant Superintendent  
rid22299@ride.ri.net  
(401) 683-1739

October 16, 2006

Federal Communications Commission  
Office of the Secretary  
445 12 Street, SW  
Room TW-A325  
Washington, DC 2054

CC Docket No. 02-6  
CC Docket No. 96-45  
Request for Review  
Request for Waiver

Billed Entity Name: Portsmouth School Department  
Billed Entity Number: 120812  
Form 471 Application #: 538569  
Billed Entity Number: 120812  
Funding Request Number: 1491620, 1491628, 1491635, 1491636

To Whom It May Concern:

In accordance with the instructions regarding appeals for E-Rate funding decisions made by the Schools and Library Division (SLD) of the Universal Service Administrative Company, (USAC), we are filing this appeal to the Federal Communications Commission (FCC).

The SLD, USAC denied our request for funding based upon the following information (see enclosed letter):

- "Funding year 2006 Postmarked Outside of Window Letter"
- The decision that we are appealing is that the Form 471 application was postmarked on 02/21/2006, which is AFTER the 2006-2007 filing window closed at 11:59 p.m. EST on Thursday, February 16, 2006.

Portsmouth School Department, Portsmouth, RI is requesting that the FCC "waive the rules in our case" and accept this "waiver request to the FCC." The following information details "circumstances that could not be avoided even with careful planning."

- The computer teacher who was responsible for completing the e-rate process retired in June 2004.
- She was not replaced, her position was eliminated.
- The e-rate process was involuntarily "inherited" by the Technical Systems Administrator, who filed for e-rate the following year (year 8).
- The year 8 filing was incomplete and Portsmouth School Department did not collect funding for year 8.

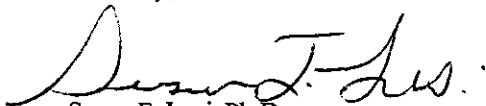
- This incomplete filing for year 8 was not discovered or addressed by an immediate supervisor because the Central Administrative staff experienced a complete turnover of staff: The Superintendent was newly hired in July 2005 and the Assistant Superintendent was in her position for less than a year.
- This incomplete filing was not discovered or addressed by an immediate supervisor because all correspondence regarding e-rate was sent by the SLD to the Technical Systems Administrator, who did not share the information with his supervisors.
- Because the Technical Systems Administrator did not share the SLD/e-rate information and the SLD solely notifies him, the Superintendent and the Assistant Superintendent assumed that the filings had been done according to procedure. They were expecting Portsmouth School Department to be awarded e-rate funding.
- On June 28, 2006, the Assistant Superintendent inadvertently opened correspondence from the SLD, addressed to the Technical Services Administrator that communicated that Portsmouth School Department's Form 471 was "Postmarked Outside of Window".
- This spontaneous opening of the SLD correspondence prompted the Assistant Superintendent to conduct a detailed examination of this funding year's documentation and previous year's filings.
- The Assistant Superintendent determined that the e-rate process was not followed properly as conducted by the Technical Systems Administrator and Portsmouth School Department has not been receiving its allocated funding.
- The Assistant Superintendent took immediate measures to reassign the individual who was responsible for unsystematically filing e-rate forms.
- The Assistant Superintendent assigned another individual to attempt to salvage our e-rate submissions, obtain our allocated funding and properly follow the e-rate process.

In conclusion, based upon the facts stated above, Portsmouth School Department did everything possible to remedy the situation and complete the Form 471 in a timely manner. The turnover of Central Administration supervisory staff at Portsmouth School Department combined with the practice of the SLD solely notifying the individual who haphazardly filed the e-rate forms, contributed to the problem. This notification practice does not readily provide for a checks and balances of the e-rate process within our School Department. One individual became responsible for losing a great deal of funding for Portsmouth School Department, and by the time the problem was discovered, submissions for timetables were overdue. We respectfully ask that you consider these extraordinary circumstances as you review our request for Priority One Services. The loss of funding, in these tough economic times, would have a very negative affect on our ability to provide our students with the proper tools to survive and succeed.

Person who can most readily discuss the waiver request/appeal:

- Name: Rosemary Muller
- Address: 29 Middle Road, Portsmouth, RI 02871
- Telephone number: 401-683-1739
- Fax number: 401-683-5204
- Email address: [ride3355@ride.ri.net](mailto:ride3355@ride.ri.net)

Sincerely,



Susan F. Lusi, Ph.D.  
Superintendent, Portsmouth School Department

cc: Colleen B. Jermain, Assistant Superintendent

Enclosures: Letter of Appeal to SLD  
Letter of Denial from SLD



## PORTSMOUTH SCHOOL DEPARTMENT

ADMINISTRATIVE OFFICE, 29 MIDDLE ROAD  
PORTSMOUTH, RHODE ISLAND 02871

FAX: (401) 683-5204

SUSAN F. LUSI, Ph.D.  
Superintendent of Schools  
ride2545@ride.ri.net  
(401) 683-1039

COLLEEN B. JERMAIN  
Assistant Superintendent  
rid22299@ride.ri.net  
(401) 683-1739

CYNTHIA S. BROWN  
Director of Finance & Administration  
ride2634@ride.ri.net  
(401) 683-2257

July 10, 2006

Letter of Appeal  
Schools and Libraries Division-Correspondence Unit  
100 South Jefferson Road  
P.O. Box 902  
Whippany, New Jersey 07981

To Whom it May Concern:

The Portsmouth School Department is appealing your recent decision as stated in a letter dated May 11, 2006 concerning our late filing of Form 471 for:

- Appellant: Portsmouth School Department
- Applicant Name: Michael Maggiacomo
- Application number: 538569
- BEN: 120812
- "Funding year 2006 Postmarked Outside of Window Letter"
- The decision that we are appealing is that the Form 471 application was postmarked on 02/21/2006, which is AFTER the 2006-2007 filing window closed at 11:59 p.m. EST on Thursday, February 16, 2006.

Portsmouth School Department is appealing this decision based upon the following reasons:

- The computer teacher who was responsible for completing the e-rate process retired in June 2004.
- She was not replaced, her position was eliminated.
- The e-rate process was involuntarily "inherited" by the Technical Systems Administrator, who filed for e-rate the following year (year 8).
- The year 8 filing was incomplete and Portsmouth School Department did not collect funding for year 8.
- This incomplete filing for year 8 was not discovered or addressed by an immediate supervisor because the Central Administrative staff experienced a complete turnover of staff: The Superintendent was newly hired in July 2005 and the Assistant Superintendent was in her position for less than a year.


- This incomplete filing was not discovered or addressed by an immediate supervisor because all correspondence regarding e-rate was sent by the SLD to the Technical Systems Administrator, who did not share the information with his supervisors.
- Because the Technical Systems Administrator did not share the SLD/e-rate information and the SLD solely notifies him, the Superintendent and the Assistant Superintendent assumed that the filings had been done according to procedure. They were expecting Portsmouth School Department to be awarded e-rate funding.
- On June 28, 2006, the Assistant Superintendent inadvertently opened correspondence from the SLD, addressed to the Technical Services Administrator that communicated that Portsmouth School Department's Form 471 was "Postmarked Outside of Window".
- This spontaneous opening of the SLD correspondence prompted the Assistant Superintendent to conduct a detailed examination of this funding year's documentation and previous year's filings.
- The Assistant Superintendent determined that the e-rate process was not followed properly as conducted by the Technical Systems Administrator and Portsmouth School Department has not been receiving its allocated funding.
- The Assistant Superintendent took immediate measures to reassign the individual who was responsible for unsystematically filing e-rate forms.
- The Assistant Superintendent assigned another individual to attempt to salvage our e-rate submissions, obtain our allocated funding and properly follow the e-rate process.

In conclusion, based upon the facts stated above, Portsmouth School Department did everything possible to remedy the situation and complete the Form 471 in a timely manner. The turnover of Central Administration supervisory staff at Portsmouth School Department combined with the practice of the SLD solely notifying the individual who haphazardly filed the e-rate forms, contributed to the problem. This notification practice does not readily provide for a checks and balances of the e-rate process within our School Department. One individual became responsible for losing a great deal of funding for Portsmouth School Department, and by the time the problem was discovered, submissions for timetables were overdue. We respectfully ask that you consider these extraordinary circumstances as you review our request for Priority One Services. The loss of funding, in these tough economic times, would have a very negative affect on our ability to provide our students with the proper tools to survive and succeed.

Person who can most readily discuss this appeal:

- Name: Rosemary Muller
- Address: 29 Middle Road, Portsmouth, RI 02871
- Telephone number: 401-683-1739
- Fax number: 401-683-5204
- Email address: [ride3355@ride.ri.net](mailto:ride3355@ride.ri.net)

Sincerely,



Susan F. Lusi, Ph.D.

Superintendent, Portsmouth School Department

cc: Colleen B. Jermain, Assistant Superintendent



Universal Service Administrative Company  
Schools & Libraries Division

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**Administrator's Decision on Appeal – Funding Year 2006-2007**

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September 20, 2006

Susan F. Lusi, Ph.D.  
Portsmouth School Department  
29 Middle Road  
Portsmouth, RI 02871-1250

Re: Applicant Name: PORTSMOUTH SCHOOL DEPARTMENT  
Billed Entity Number: 120812  
Form 471 Application Number: 538569  
Funding Request Number(s): 1491620, 1491628, 1491635, 1491636  
Your Correspondence Dated: July 10, 2006

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2006 Form 471 Postmarked Outside of Window Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 1491620, 1491628, 1491635, 1491636  
Decision on Appeal: **Denied**  
Explanation:

- A thorough review of your appeal and the relevant facts shows that you filed the Form 471 application on February 21, 2006, which is outside of the application filing window. For Funding Year 2006, in order to be considered for funding, Form 471 applications and their associated certifications had to be postmarked no later than 11:59 pm (EST) on February 16, 2006. You have failed to demonstrate that your Form 471 application was postmarked on or before February 16, 2006. Consequently, your appeal is denied.
- The FCC requires all parts of an application to be postmarked by the final date of the filing window for the relevant funding year for the application to be treated as having been filed within the filing window. See Request for Review by Alpine County Unified School District, et . al., Federal-State Joint Board on Universal

Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc., CC Docket Nos. 96-45 and 97-21, Order, DA 02-75 paras. 2 and 4. (rel. Jan. 14, 2002). This includes the Form 470 Certification, the Form 471 application, and the Form 471 Certification.

If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either USAC or the FCC. For appeals that have been denied in full, partially approved, dismissed, or canceled, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

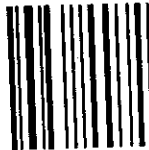
Schools and Libraries Division  
Universal Service Administrative Company

Susan F. Lusi, Ph.D.  
Portsmouth School Department  
29 Middle Road  
Portsmouth, RI 02871-1250

Billed Entity Number: 120812  
Form 471 Application Number: 538569  
Form 486 Application Number:

**Portsmouth School Department**

29 MIDDLE ROAD  
ADMINISTRATION BUILDING  
PORTSMOUTH, RHODE ISLAND 02871



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Route

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Delivery Point

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Federal Communications Commission  
Office of the Secretary  
445 12 Street, SW  
Room TW-A325  
Washington, DC 20554

